

85<sup>th</sup> Legislative Session – 2010

Committee: Senate Commerce

Tuesday, February 02, 2010

P - Present  
E - Excused  
A - Absent

Roll Call

P Adelstein  
P Gant  
P Merchant  
P Nelson, Vice-Chair  
P Nesselhuf  
P Turbak Berry  
P Olson (Russell), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by chair, Russell Olson.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, JANUARY 28, 2010

Moved by: Merchant  
Second by: Nelson  
Action: Prevailed by voice vote.

SB 3: require nondiscriminatory pricing between malt beverage suppliers and malt beverage wholesalers.

See prior testimony of Thursday, January 28, 2010

Opponents: Ron Olinger, Miller Brewing  
Shawn Lyons, SD Retailers Association

MOTION: DEFER SB 3 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Adelstein  
Second by: Merchant

Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nesselhuf, Turbak Berry, Olson (Russell)

Voting No: Nelson

SB 2: revise certain provisions regarding alcoholic beverage control and licensing laws.

THE CHAIR DEFERRED SB 2 UNTIL A LATER DATE.

SB 57: revise the time frames for issuing a decision in certain electric service area disputes and adequacy of service complaints.

See prior testimony of Tuesday, January 19, 2010

Presented by: Rolayne Wiest, Public Utilities Commission

Proponents: Brett Koenecke, SD Electric Utility Companies

MOTION: AMEND SB 57

57oa

On the Senate Commerce Committee engrossed bill, delete all amendments, thus restoring the bill to the printed version.

Moved by: Turbak Berry

Second by: Merchant

Action: Prevailed by voice vote.

MOTION: DEFER SB 57 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Adelstein

Action: Died for lack of a second.

MOTION: DO PASS SB 57 AS AMENDED

Moved by: Turbak Berry

Second by: Merchant

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nelson, Nesselhuf, Turbak Berry, Olson (Russell)

SB 60: revise certain provisions regarding the siting of energy facilities by the Public Utilities Commission.

See prior testimony of Tuesday, January 28, 2010

Presented by: Rolayne Wiest, Public Utilities Commission

Proponents: Brett Koenecke, SD Electric Utilitiy Companies

MOTION: AMEND SB 60

60fa

On page 5, line 5, of the Senate Commerce Committee engrossed bill, delete "normal" and insert "nameplate".

On page 5, line 7, delete "normal" and insert "nameplate".

On page 5, line 8, delete "an additional twenty-five" and insert "a net additional fifty".

On page 5, between lines 8 and 9, insert:

" Section 4. That § 49-41B-5.2 be amended to read as follows:

49-41B-5.2. The applicant shall notify, in writing, the owner of record of any land that is located within one-half mile of the proposed site where the facility is to be constructed. For purposes of this section, the owner of record is limited to the owner designated to receive the property tax bill sent by the county treasurer. The notice shall be mailed by certified mail. The applicant shall also publish a notice of the proposed facility. Notification shall be published in the official newspaper of each county in which the proposed site is located. The notice shall be published at least once each week for at least two consecutive weeks. The notice shall contain a description of the nature and location of the facility. Any notification required by this section shall state the date, time, and location of the public hearing and shall be made no later than thirty days prior to the date of the public hearing. However, the second published notice shall be made no later than twenty days prior to the date of the public hearing.".

Moved by: Turbak Berry

Second by: Merchant

Action: Prevailed by voice vote.

MOTION: DO PASS SB 60 AS AMENDED

Moved by: Turbak Berry  
Second by: Merchant  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nelson, Nesselhuf, Turbak Berry, Olson (Russell)

MOTION: PLACE SB 60 ON CONSENT CALENDAR

Moved by: Adelstein  
Second by: Merchant  
Action: Prevailed by voice vote.

SB 4: revise certain rule-making authority regarding the sale of certain alcoholic beverage container sizes to on-sale licensees.

Presented by: Senator Ryan Maher

MOTION: DO PASS SB 4

Moved by: Gant  
Second by: Nesselhuf  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nelson, Nesselhuf, Turbak Berry, Olson (Russell)

MOTION: PLACE SB 4 ON CONSENT CALENDAR

Moved by: Gant  
Second by: Nesselhuf  
Action: Prevailed by voice vote.

SB 96: provide for the registration of certified professional midwives.

MOTION: REFER SB 96 TO HEALTH AND HUMAN SERVICES

Moved by: Adelstein  
Second by: Merchant  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nelson, Nesselhuf, Turbak Berry, Olson (Russell)

MOTION: ADJOURN

Moved by: Merchant

Second by: Gant

Action: Prevailed by voice vote.

Lois Henry  
Committee Secretary

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Russell Olson, Chair